REMARKS/ARGUMENTS

Claims 18-26 are rejected under 35 U.S.C. 101 because of the term "computer program product." Claims 18-26 have been amended to recite a "computer readable storage medium." Independent claim 18 has been further amended to recite a "computer readable storage medium having computer code embodied therein." The amendment is believed to include statutory tangible computer readable media while excluding intangible media such as carrier waves.

Independent claims 1, 10, 18, 23, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (USP No. 2002/0141544) in view of Stetson (US 6,552,614) and further in view of Jost (US 7,251,820).

In the previous Office Action, the Examiner acknowledged that Brown and Stetson do not teach configuring the operating system to operate the replacement component, but argued that Jost discloses a "controller capable of automatically configuring set-top terminals purchased through a retail outlet and installed by consumers." (page 3, 3/4/09 Office Action)

In the previous Office Action Response, Applicants argued that the independent claims recite "configuring the operating system to operate the replacement component and report power characteristics to the upstream device." However, Jost only appears to configuring a controller "typically located at a central head-end facility" to control a new set-top terminal. There is no operating system configured to "operate the replacement component" and "report power characteristics to the upstream device." In Jost, the set-top terminal is the device that is new. No component within the set-top terminal is new or replaced. There is no operating system configured to operate any new component or report power characteristics to the upstream device.

The Examiner in the present Office Action argues that Jost teaches that it is well known in the art to "operate a replacement component [set top terminal] and report power characteristics [automatic registration] to the upstream device." It is acknowledged that Jost describes a replacement set top box, but Jost does not teach or suggest any component and a replacement component for a cable modem. The independent claims recite a "replacement component" and "obtaining parameter information comprising power characteristics of a replacement component from nonvolatile memory."

Nonetheless, independent claims have been amended to facilitate prosecution. Independent claims 1, 10, 18, and 23 have been variably amended to recite "identifying a component included in a cable modem; … configuring the operating system running on the cable modem to operate the component and report power characteristics to an upstream device; obtaining parameter information comprising power characteristics of a replacement component for the cable modem, the power characteristics obtained from nonvolatile memory; configuring the operating system to operate the replacement component and report power characteristics from the cable modem to the upstream device." Claim 30 has been amended to recite "wherein the operating system accesses nonvolatile memory to obtain power characteristics to drive a replacement tuner when a replacement tuner is installed." Claims 33-40 have been canceled.

These amendments are believed supported by the original Claims, Specification, and Drawings. For example, "In order to accommodate a new or different tuner, a new version of the operating system typically has to be introduced with the new hard coded characteristic information. However, introducing a new operating system version raises compatibility and compliance issues. Techniques of the present invention provide that a memory associated with the cable modem component, such as a tuner, is provided in a cable modem. According to various embodiments, the memory is a nonvolatile memory. As will be appreciated by one of skill in the art, nonvolatile memory is a general term including all forms of solid-state memory that do not have the memory contents periodically refreshed. Some examples of nonvolatile memory are read-only memory and flash memory. Another example of nonvolatile memory is random access memory that is powered with an independent power source such as a battery.

Characteristic information associated with the cable modem component such as an RF tuner, can be written onto a nonvolatile memory. In one example, the cable modem operating system can be configured to acquire tuner characteristic information from the nonvolatile memory. The operating system no longer needs to be hard coded with specific tuner characteristics or supplemented with additional code such as a tuner specific device driver. When a new tuner is selected for use with a current operating system, a nonvolatile memory associated with the tuner can be programmed and provided in the cable modem along with the tuner. A more general device driver can be used. No new version of the operating system is required. The existing version of the operating system can access characteristic information associated with the tuner by reading the nonvolatile memory. Compliance and compatibility

concerns are addressed by maintaining the same version of the operating system, without new software additions such as new device drivers." (page 6, line 18 – page 7, line 9)

None of the references either alone of in combination are believed to teach or suggest the independent claims recitations. Jost only describes replacing a set top box. Jost states, "whenever, a new set-top terminal (107) is added to the system, it is registered with the controller (112) so that it can be assigned the proper attributes for subsequent interaction with the system. These attributes, once assigned, are stored by the controller (112) for subsequent use in communicating with the terminal (107). As shown in FIG. 2, the system controller (112), with is typically located at a central head-end facility, may control a number of different regional headends (201)." (Column 5, lines 50-60)

Brown only describes "downloading a Configuration File for modem system 12 from a remote TFTP (Trivial File Transfer Protocol) server using TFTP. The configuration file includes SNMP compatible data conveying threshold values defining warning zones near the minimum and/or maximum operational limits for the power level to be used in transmitting signals from system 12 to the CATV head end." [0019] Other values or default values are believed associated with an operating system and are provided in system memory, which is volatile memory. This is believed to be the conventional system described in the present application. In conventional systems, an operating system is hardcoded with default values.

None of the references either alone or in combination are believed to teach or suggest a replacement component in a cable modem and obtaining power characteristics of the replacement component, such as a tuner in a cable modem, from a non-volatile memory.

CONCLUSION

In light of the above remarks above, all independent claims and associated dependent claims are believed allowable for at least the reasons noted above. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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